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BY THE SENATE,

JANUARY 10th, 1867.

Read and referred to the Committee on Internal Improvements.

MEMORIAL

FROM THE

DIRECTORS OF THE BALTIMORE & OHIO RAILROAD,

REGARDING PROPOSED MODIFICATION IN THE

BALTIMORE & POTOMAC RAILROAD COMPANY.

ANNAPOLIS:
HENRY A. LUCAS, PRINTER.

1867.

MEMORIAL.

To the Honorable,
The General Assembly of Maryland:

The Memorial of the Baltimore & Ohio Railroad Company, respectfully invites your attention to the subject of a proposed modification in the charter of the Baltimore and Potomac Railroad Company, and your consideration of the objects sought to be accomplished by that charter, and the very different objects to which its provisions are about to be made subservient unless that modification is adopted.

The Charter was granted by an Act of the Legislature of Maryland, passed in 1853, and authorized the construction of a Railroad from a point in or near the City of Baltimore, by the way of Upper Marlboro' and Port Tobacco, to some terminus on the Potomac between Liverpool Point and St. Mary's river.

There were two objects contemplated by the Act, as will be remembered by those concerned in its passage, and is abundantly manifest by a recurrence to the report of its Engineer, J. R. Trimble, Esq., made shortly afterwards. These objects were both so obviously just and proper that the Act of Incorporation met with no opposition whatever, and was passed by a unanimousvote in each House.

The first of these objects was to supply a missing, but very desirable link in the great chain of Railroad connection between the Northern and Southern extremities of the Union.

From Baltimore, northward, two great trunk lines, embracing together a distance of more than two thousand miles, extended into the interior of Canada. Whilst southward another line commencing at the Potomac, near Acquia Creek, traversed some twelve hundred miles of territory towards our Southern frontier; the only connection required to make this line continuous and complete, was the road which this Charter authorized across the territory of Maryland. By means of it, through travelers between the North and South, instead of being compelled to go by the way of Washington, and sub-

jected to the delay and uncertainty of steamboat navigation for a distance of fifty-five miles between that city and Acquia Creek, would be enabled to pursue an uninterrupted route by rail between Baltimore and the same point of only sixty-eight miles in length. This was the first and principal object of the Charter—the other was to furnish to the citizens of those peninsular counties lying between the Chesapeake Bay and the Potomac river, the railroad communications they so much needed.

By their geographical position they were to a great extent cut off from those facilities by rail enjoyed by almost all the other counties, and dependent entirely in their access to market, upon tide-water communication, often attended with vexatious delays, and at certain seasons entirely obstructed. It was therefore proposed by means of the "Branches" and "lateral Railways," authorized by the charter to secure to those counties, direct railroad communication to the city of Baltimore. We are not therefore surprised that with such objects in view, the Legislature of Maryland granted the charter without a dissenting voice.

After a lapse of nearly fourteen years, and after the time for commencing the construction of the road, had been repeatedly extended by Legislative Acts supplementary to the charter, and no work ever commenced—it is understood that within a few months past, a contract for the construction of the road and its branches has been executed and the contractors are about to begin operations.

If we could believe that this contract was for the construction in good faith of the Main Stem and branches contemplated by the Charter, the execution of it would unquestionably be received with satisfaction by the people generally of the State; certainly no objection to it would ever be interposed by these memorialists; but all the circumstances of the case point, we think, to a very different conclusion. We hazard nothing in saying that the great object sought to be accomplished by those outside the corporation, who with such surprising and new-born zeal have taken the subject in hand and are willing to embark large means in the accomplishment of a work that has languished so long for want of capital, is not the construction of the road between Baltimore and the Potomac river, with branches and lateral roads into the counties of Maryland, but by perverting those terms to purposes, which neither the Legislature nor the friends of the Act ever had in view, to seize upon this franchise as the only available opportunity of accomplishing what those concerned have failed to secure by other means—another Railroad from Baltimore to Washington City.

It is a fact so well known as scarcely to require the stating that for the last four or five years, ceaseless and persistent

efforts have been made by certain Northern Capitalist, Speculators and Politicians acting in concert with the Representatives of Railroads in Pennsylvania, to procure from Congress authority for the making of a new road from Baltimore to Washington. Various propositions have been offered with that view, which have all hitherto failed, and the projectors of the scheme, realizing the difficulities of their position (chief among which is doubtless a very just apprehension that Congress will not readily venture on the more than doubtful power of constructing works of internal improvement through a State without its sanction or assent) seek now, as we have good reason to believe, to avail themselves of the terms used in a charter already existing, and designed, as we have seen for a very different purpose, to effectuate in that way their cherished scheme; indeed among the Contractors who have stipulated with the Baltimore and Potomac Company to construct the road, may be found the names of some of the most conspicuous of those who have sought hitherto Congressional authority for a new Washington road, and others in the same interest are doubtless their coadjutors.

It will not, we presume, be denied by any of the parties to this contract, that the making of a new road to the line of the District of Columbia under the assumed authority of the power given in the Potomac charter, to contruct "branches and lateral roads," is the material, if not the sole object of the Contract, and it is to prevent this abuse and perversion of the terms of the Charter, that your Honorable Body is earnestly solicted. under the power reserved by the State, to amend or modify it, so as to interpose and prohibit the construction of the proposed Washington Branch.

The deep interest which the State possesses in the existing Washington Rail Road and which, so long as the management of that road meets as fully as it has heretofore done, all the demands of trade and travel, must challenge her support of it to the exclusion of others, has been conspicuously manifested on various occasions at this time ought certainly to be not less influential than heretofore. The people of the State have for many years endured patiently an onerous tax chiefly imposed upon them by works of this character; such however has been the improvent of our financial condition within the last few years that your predecessors would in all probability have felt justified in abrogating the State tax entirely but for the existence of a gigantic war, the exigencies of which could not be well foreseen.

Now that the war is ended and our financial condition still a subject of just congratulation, our tax payers will undoubtedly look with confidence to an early release from such burdens; but if a corporation contributing as largely to the re-

sources of the State as the Washington Branch of the Baltimore and Ohio Railroad, is to be now surrendered, and in the absence of any legitimate public demand for such an addition is to be subjected to the injurious rivalry of another road, fostered chiefly by foreign influence, then we must abandon the expectation of any immediate exemption from taxation.

The amount paid into the State Treasury by the Washington Branch alone on account of stock dividends and (for $\frac{1}{4}$ of the gross revenue from passengers between Baltimore and Washington) will be found to have amounted in the last five years, say from 31st December, 1861, to 31st December, 1866, to $1,531,763.46, or upwards of three hundred thousand dollars per annum; this is an interest which at such a time as this, or at any time, is too important to be surrendered or even put in jeopardy—the more especially when it would enuer chiefly to the advantage of such interests and influences as would be likely to control the management of another Washington road.

It was under such considerations as these, and with such an appreciation of the value of the State's interest in this road, that when the framers of our present Constitution vested in certain State officers a discretionary authority to dispose of the State's interests in her works of internal improvement, they expressly excepted from that authority the branch road to Washington; and again, when in January, 1865, efforts, as before, mentioned, were being made at Washington to procure a Charter for a new road, a joint resolution passed unanimously both branches of the General Assembly, earnestly protesting against the proposed project; and when at their succeeding session, a similar application was still pending in Congress, the Senate and House of Delegates renewed that protest and appointed a joint committee of nine members to visit Washington and urge in person that remonstrance.

Your memorialists now only ask that your Honorable Body will adhere to the same policy, and that you will not suffer the same object, still so adverse to the interests of the State to be accomplished by the indirect means now about to be employed.

They would not be understood as opposing in any manner the interests or objects of the Baltimore and Potomac Company as involved in any fair and legitimate purpose of its Charter; but they do insist that the authority granted by that Charter to construct branch or lateral roads was never intended to authorize the construction of a road to Washington city.

If such had been the case, the Charter, instead of receiving as it did the unanimous support of the General Assembly,

would have met with no countenance whatever, and your memorialists therefore pray that the terms of that Charter may be so accurately defined by a supplimental Act, that they shall confine those acting under its authority to its true purpose aud spirit, and allowing them still to make the main stem of the road and such branches as may be desirable through the Counties of lower Maryland, shall prohibit the construction of any branch to the line of the District of Columbia. Your memorialists respectfully suggest that whenever the public interests shall require another Railroad between Baltimore and Washington, the authority to construct it should be fairly and openly sought in such a manner that the General Assembly may by suitable provisions guard the interests of the State, and that a scheme to accomplish that object by indirection and in disregard of both the interest and the will of Maryland should be controlled by such Legislative action as is now proposed.

JAMES HARVEY,
C. OLIVER O'DONNELL,
WM. EVANS,
W. H. PURNELL,
JOHN V. L. FINDLAY,
WM. HEALD,
SAML KIRBY,
THOS. W. CROMER,
WM. W. TAYLOR,
FRANCIS BURNS,
JOHN GREGG,
EDWD. WILKINS,
JOHNS HOPKINS,
JNO. K. CALWELL,
JOHN. W. GARRETT, Pres't.
GALLOWAY CHESTON,
SAML. W. SMITH,
A. W. BRADFORD,
ROBERT TURNER,
JOHN SPEAR NICHOLAS,
WM. KEYSER,
SAML. WILHELM,
ALEX. WILEY,

Directors of the Baltimore and Ohio Railroad Company.